



PATENT

Customer No. 22,852

Attorney Docket No. 05788.0182-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tony Brown et al.

Application No.: 09/961,335

Filed: September 25, 2001

For: WATER RESISTANT CABLE

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) Group Art Unit: 2874
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) Examiner: Not Assigned
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Commissioner for Patents
Washington, DC 20231

Sir:

DECLARATION OF NIGEL FISHLOCK UNDER 37 C.F.R. 1.47(a)

I, Nigel Fishlock, hereby declare as follows:

1. I am employed at Pirelli Cables Ltd., Newport, United Kingdom as Engineering Manager Cable Design, and I was the manager of Mr. Nigel Shackleton when he was employed at Pirelli Cables Ltd., a subsidiary of Pirelli Società per Azioni, (Pirelli S.p.A.), at the time he contributed to the above identified invention entitled "WATER RESISTANT CABLE," and identified by our reference number PC 805.

2. On July 25, 2001, I was contacted by electronic mail (e-mail) by Ms. Mariangela Sala, of Pirelli S.p.A., regarding her inability to contact Mr. Shackleton by e-mail as shown on page 2 of the attached series of e-mail messages identified as EXHIBIT A.

3. On July 26, 2001, I sent an e-mail message to Ms. Sala informing her that Mr. Shackleton was no longer employed by Pirelli, as shown on page 2 of the attached

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

series of e-mail messages identified as EXHIBIT A. By copy of this e-mail dated July 26, 2001, to Ms. Sala, I also asked Ms. Joanne Tremper if she had Mr. Shackleton's address.

4. After an additional inquiry from Ms. Sala, on or about August 2, 2001, I contacted Mr. Shackleton by telephone at telephone number 01633 774027, and Mr. Shackleton indicated to me that he was unwilling to give or confirm his current address. I advised Ms. Sala via e-mail on August 2, 2001, of Mr. Shackleton's unwillingness to give or confirm his current address, as shown on page 1 of the attached series of e-mail messages identified as EXHIBIT B. After my initial contact on or about August 2, 2001, Mr. Shackleton telephoned me to further advise me that he would not sign any patent documents.

5. Subsequent to my telephone conferences, with Mr. Shackleton, I received a warning letter dated August 14, 2001, from Mr. Christie of Harding Evans, solicitors representing Mr. Shackleton. This letter alleges that my telephone calls requesting Mr. Shackleton's signature on patent application documents constitute harassment and worsen Mr. Shackleton's ill health. Mr. Christie advised me to heed this warning and make no further attempt to contact his client. A copy of the August 14, 2001, letter of Mr. Christie is attached and identified as EXHIBIT K.

6. At no time since Mr. Shackleton telephoned me as described in paragraph 4 above, has Mr. Shackleton communicated with me and at no time since the August 14, 2001, letter has Mr. Christie communicated with me, and I have not received any executed documents relating to the above-identified application from Mr. Shackleton or Mr. Christie.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed: _____


Nigel Fishlock

Dated: _____

15/4/02

ATTACHMENTS:

EXHIBIT A

EXHIBIT B

EXHIBIT K

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com